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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 10/686,003 | 10/14/2003 | Boyd R. Perttu | P18-002-01-US | 6860 |
| 22854 | 7590 | 03/13/2006 | EXAMINER | |
| MOORE, HANSEN & SUMNER, PLLP | | | MAI, TRI M | |
| 225 SOUTH SIXTH ST | | | ART UNIT | |
| MINNEAPOLIS, MN 55402 | | | PAPER NUMBER | |

3727

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,003

Applicant(s)

PERTTU, BOYD R.

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-8, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cote (5467908). Cote teaches a fish stringer for retaining fish having a cord like member 16, having an insertion end in Fig. 4, and a retaining end, a rigid insertion member 32 coupled to the insertion end, the retaining member having sufficient size to prevent the retained fish when strung onto the cord-like member, the retaining member 10 having the shape and size of a fish being suspended from the retaining end of the cord like member in an upright position as claimed.

Regarding claim 2, the fish 10 as shown in Fig. 1 is under water as claimed.

Regarding claim 3, note the retaining fishes 30 are under water.

2. Claims 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cote in view of Tallerico (5327670) or Reed (20050039374). It would have been obvious to one of ordinary skill in the art to provide a non-reflective surface in Cote as taught by either Tallerico (col. 4, ln. 33) or Reed (para. 28, ln. 11) to provide the desired surface for adaptive to surrounding environment.

3. Claims 1-8, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Haddock (3137421). Haddock teaches a stringer having a cord like member 16, having an insertion end, and a retaining end, a rigid insertion member 108 coupled to the insertion end, the retaining member having sufficient size to prevent the retained fish when strung onto the cord-like member, the retaining member 10 having the shape and size of a fish being suspended from the retaining end of the cord like member in an upright position as claimed.

Note the fishes 88 are underwater as shown in Fig. 13.

Art Unit: 3727

4. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Vobejda (4742638). To the degree that it is only a retaining member being claimed, Vobejda teaches a body in the configuration of a fish body having a mouth and a tail and a coupling portion at 12.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vobejda in view of Tallerico or Reed. It would have been obvious to one of ordinary skill in the art to provide a non-reflective surface in Cote as taught by either Tallerico (col. 4, ln. 33) or Reed (para. 28, ln. 11) to provide the desired surface for adaptive to surrounding environment.

6. Claims 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffin et al. (2518541). Griffin teaches a retaining member 12 and an insertion end 20.

7. Claims 1-4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vobejda in view of either Cote or Haddock. It would have been obvious to one of ordinary skill in the art to provide a retaining member in the shape of a fish to provide the desired shape for the retaining member.

8. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimbrough (2972438). Kimbrough teaches a fish stringer having cord like member a rigid insertion member 22 and a retaining member (fish A). Note the teaching in Tallerico with respect to fish having non-reflective surface (col. 1, ln. 24).

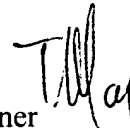
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

Art Unit: 3727

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

A handwritten signature in black ink, appearing to read 'T. Mai', is positioned to the right of the printed name and title.